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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,420	02/02/2001	R. Steven Schultz	01153.0001U3	4087
23859	7590	01/06/2006	EXAMINER	
NEEDLE & ROSENBERG, P.C. SUITE 1000 999 PEACHTREE STREET ATLANTA, GA 30309-3915			FELTEN, DANIEL S	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 01/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/776,420

Applicant(s)

SCHULTZ ET AL.

Examiner

Daniel S. Felten

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 17-23 and 27-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 17-23 and 27-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/09/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Status of Claims***

1. Receipt of the Request for Continued Examination ("RCE") filed September 22, 2005 is Acknowledged. Claims 1-5, 17-23, 27-42 are pending in the application and are presented to be examined upon their merits.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on November 09, 2005 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Response to Arguments***

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

the claimed invention is directed to non-statutory subject matter.

**Regarding Non-Functional Descriptive Material in Claims:**

MPEP 2106 IV B 1 (b) indicates that “Nonfunctional descriptive material” is material “that cannot exhibit any functional interrelationship with the way computing processes are performed”. Nonfunctional descriptive material also cannot render non-obvious an invention that would have otherwise been obvious [see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir 1983)]. With this information in mind, the examiner has interpreted the following limitations as non-functional descriptive material and thus providing little (if any) patentable weight to applicant’s invention:

Re claims 1, 17, 27 and 32:

“... the detailed information including, *sale price, sale tax, total transaction amount* is considered non-functional descriptive language because the current claim language does not exhibit any functional interrelationship with the way the computing processes are performed and therefore provides little patentable weight to the claim(s).

Re claims 18-23, and 42:

The fact that the supplemental information comprises a certain types of information associated with at least one item purchased, does not exhibit a functional inter- relationship in the way the computing process is performed and thus provides little patentable weight.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-5, 17 and 27-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Ogasawara (US 6,327,576)

-Ogasawara conducting a sales transaction between buyer and seller, (see col. 3, ll. 28-30), *as in claims 1, 17 & 27,*

-generating an electronic sales receipt (and/or sales receipt object) including detailed information describing the items purchased and a link to supplemental information for at least one item purchased, wherein detailed information *includes sale*

*price, sale tax, total transaction amount* and information indicating completion of the transaction (see col. 3, ll. 54 to col. 4, ll. 5; and col. 4, ll. 50-56 ), *as in claims 1, 17 and 27*

-transmitting the sales receipt via a computer network to computing device operated by or on behalf of the buyer, the buyer being presented via a user interface of the device with a representation of the detailed information describing the items purchased (see col. 3, ll. 65 to col. 4, ll. 5), *as in claims 1 & 27*

-performing steps a, b and c for plurality of transactions, each of the plurality of transactions occurring between a unique buyer and seller combination (see col. 4, ll. 25-39), *as in claims 1, 17 & 27*

-storing in a centralized database a record of each sales receipt (and/or sales receipt object) generated for each transaction of a plurality of transactions (see col. 4, ll. 26-39), *as in claims 1, 17 & 27*

--generating aggregate information in response to stored receipts; and providing the aggregate information to one of the sellers (see col. 3, ll. 54+), *as in claim 2 and 28*

--one of the buyers remotely searching the centralized database in response to search criteria including limiting found records to those of receipts for transaction in which the one of the buyers participated; retrieving the found records; and transmitting representations of the found records to one of the buyers (see col. 4, ll. 26-39), *as in claim 3 and 29*

--the one of the buyers adding information to a found record; and associating the added information with the found record in the database (see col. 2, ll. 15-35; and col. 4, ll. 59+), *as in claim 4*

--one of the buyers downloading information in the found records to financial software as indications of purchases (see col. 4, ll. 26-39), *as in claim 5*

-selecting a recording in the centralized data base associated with a selected buyer (see col. 4, ll. 26-39), *as in claim 17*

-organizing the record based on a buyer preference (see col. 9, ll. 55+), *as in claim 17*

-displaying on the user interface the supplemental information associated with the least one item purchased as stored in the selected record (see col. 9, ll. 55+), *as in claim 17*

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 18-23, 30-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara (US 6,327,576)

Re Claims 18-23, 42:

--Warranties, rebate, recall, accessory information, etc are notoriously known an widely used information that buyers seek to acquire from sellers when purchasing certain merchandise (e.g. a car, blender, lawn mower, TV etc.,). Thus Official Notice is taken of the warranty information, a manual, rebate information, recall information, accessory information as being obvious extension to the teaching of Ogasawara being an obvious expedient well within the ordinary skill in the art.



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--wherein the sales receipt object provides a store function for adding information to sales receipt object, the method further comprising the step of adding information to the found sales receipt object using the store function (see col. 3, ll. 54+), *as in claim 30*

--further comprising the step of the one of the buyers downloading information in the found sales receipt to financial software as indications of purchases (see col. 4, ll. 26-39), *as in claim 31*

Re claim 32:

Conducting a sales transaction between a unique buyer and seller combination (see col. 3, ll. 28-30);

Capturing detailed information regarding the sales transaction, the detailed information including sale price, sale tax, total transaction amount, and information indicating completion of the transaction (see col. 8, ll. 42-56);

Generating a sales receipt object containing the detailed information wherein the sales receipt object provides one more functions for the detailed information, wherein at least one function is a conversion function capable of converting the detailed information into one or more selected data formats (see col. 3, ll. 54 to col. 4, ll. 5; col. 4, 50-56);

Transmitting the sales receipt object to a network accessible computing device (see col. 3, ll. 65 to col. 4, ll. 5); and

Ogasawara does not directly teach executing the conversion function of the sales receipt object to convert the detailed information into a selected data format. However, it is inherently

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understood from the conversion of the bar code into an electronic receipt that a particular data format that a function is provided (see col. 3, ll. 54+). Thus such a conversion would have been an obvious expedient well within the ordinary skill in the art.

Re claims 33-36:

Official Notice is taken of Text files, Binary files, Markup language, HTML, XML, MICROSOFT EXCEL files, MICROSOFT WORD files, MICROSOFT MONEY files, and QUICKEN files as being an obvious extension of the file(s) that is used in Ogasawara. One of ordinary skill in the art would seek use the aforementioned files to display information.

--the sales receipts object provides an encryption function capable of encrypting selected detailed information stored in the sales receipt object, (see col. 7, ll. 28+ ), *as in claim 38*

Re claim 39:

--wherein the sales receipt object provides a function for retrieving selected detailed information from the object, further comprising the steps of:

executing the function to retrieve selected detailed information from the sales receipt object (see col. 4, ll. 6-25); and

rendering the selected retrieved detailed information in a user interface of the computing device (see col. 6, ll. 26-51 )

--wherein the user interface is a web browser (see col. 6, ll. 26-51 ), *as in claim 40*

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--wherein the computing device is a finance management system (see “ smart card” col.  
, ll.    ), *as in claim 41*

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*Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patents:

Makipaa et al (US 6,394,341) discloses a system and method for collecting financial transaction data

Foreign Patent:

Hippelainen (WO 99/16029) discloses an electronic payment system

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Felten whose telephone number is (571) 272-6742.

The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Daniel S Felten  
Examiner  
Art Unit 3624

DSF  
December 09, 2005